

**MINUTES
COLUMBUS PLAN COMMISSION MEETING
JUNE 4, 2008 AT 4:00 P.M.
MEETING HALL, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Dave Fisher (President), Bryan Haza, Steve Ruble, Ann DeVore, Dennis Crider, Roger Lang, Rachel Quisenberry, Tom Wetherald, Dave Bonnell and Tom Finke (County Plan Commission Liaison).

Members Absent: John Hatter and Tom King.

Staff Present: Jeff Bergman, Heather Pope, Sondra Bohn, Emilie Pannell, Rae-Leigh Stark, Laura Thayer, Thom Weintraut and Alan Whitted (Deputy City Attorney).

CONSENT AGENDA

Minutes of the May 7, 2008 meeting.

Motion: Ms. DeVore made a motion to approve the minutes as presented. Mr. Crider seconded the motion and it carried unanimously by voice vote.

Mr. Lang arrived at the meeting at this time.

SU-07-23: Columbus Regional Hospital – a request to extend the deadline for recording the approved special use site plan. The property is located at 2400 East 17th Street in the City of Columbus.

Mr. Fisher stated that there was a request to extend the filing deadline for recording the Special Use Site Plan until June 30, 2008.

Motion: Mr. Bonnell made a motion to approve the request for the extension. Ms. Quisenberry seconded the motion and it carried unanimously by voice vote.

OLD BUSINESS REQUIRING COMMISSION ACTION

Mr. Bonnell left the meeting at this time.

ANX-08-03: Skaggs Builders / Talley Road – a request by Skaggs Builders to annex to the City of Columbus a property of 19.74 acres. The property is zoned AG (Agriculture) and is located on the northwest corner of Talley Road and Rocky Ford Road in Columbus Township.

RZ-08-07: Skaggs Builders / Talley Road – a request by Skaggs Builders to rezone a property of 18.14 acres from AG (Agriculture) to R-6 (Multi Family Residential). The proposed zoning would transition to RM (Multi-family Residential) through the adoption of the proposed Columbus and Bartholomew County Zoning Ordinance. The property is located on the northwest corner of Talley Road and Rocky Ford Road in Columbus Township.

Ms. Pope presented the staff information on these two requests.

Mr. Albert Skaggs, President of Skaggs Construction, Jon Main, Skaggs Construction, Dave Hayward with Christopher Burke Engineering, and Mark Isaacs with Independent Land Surveying represented the petitioners.

Mr. Skaggs passed out a copy of a proposed concept plan to the Plan Commission members.

Mr. Skaggs stated he would address the three issues from the Staff Report. He stated they had provided a Traffic Impact Analysis study from Christopher Burke Engineering, Ltd. He stated that this was to address the existing roads to see if they could serve a multi-family residential development at this site. Mr. Skaggs stated the Traffic Impact Study found the roads to be adequate for the increase in traffic if the development was approved.

Mr. Skaggs stated they had hired a surveyor, Mark Isaacs, who met with Keith Reeves. He stated they were told that they could get a positive gravity flow sewer system at this location.

Mr. Skaggs stated they were proposing one-third the numbers of units that rezoning would permit.

Mr. Skaggs stated the ingress and egress to this development would be off Talley Road. Mr. Skaggs stated they would not be building in the flood fringe or near Sloan Branch. He stated those two areas would act as a buffer to Presidential Park Subdivision.

Mr. Skaggs stated they would ask for a favorable recommendation.

Mr. Hayward stated the Traffic Study showed that the roads are sufficient as they exist today and the additional traffic should not cause any decrease in levels of service from those facilities.

Mr. Lang asked who would be responsible for maintaining the undeveloped area along Sloan Branch and green space. Mr. Skaggs stated the land would remain a part of the project and the owners of the proposed development would maintain it.

Mr. Fisher opened the meeting to the public.

Mr. David Smith, President of the Lot Owners Associates for Roosevelt Park presented the Commission members a petition with 205 signatures representing 143 households. He presented a list of 15 reasons why this request should not be approved. (1) Multi-family is out of character with the single family homes, (2) Sewers are not available at this location, (3) Previous rezoning requests for this area have been rejected, (4) Rocky Ford and Talley Road are not adequate to handle the traffic, (5) The proposed development will cause a decline in property values, (6) Floodway and Base Flood Elevations have not been adequately defined (7) The Comprehensive Plan does not support this as multi-family housing, (8) Providing public transportation would increase the costs to the city, (9) There would be an increase in traffic, (10) There would be safety hazards for children living in the apartments, (11) The Fire Department would have to use a tanker truck to provide fire protection in this area until hydrants and a water supply would be installed, (12) The petitioner has opposed other recent rezoning requests in a nearby location, (13) There is on public record that the petitioner has not met a public improvements agreement with the City of Columbus, (14) Nearby neighbors were opposed to a

rezoning request near this neighborhood, and (15) Sloan Branch would a dangerous safety hazard for children living there.

Mr. Ellen Fitzsimmons stated she was concerned about flooding from Sloan Branch and safety of the people in the area.

Ms. Mary Jo Combs expressed concern about Sloan Branch and flooding.

Mr. Otto Agoseinelly stated he was concerned about the lack of amenities located near the apartments. He stated most apartment complexes have dual entrances and this one does not.

Mr. John Bolte expressed concern about the storm water, drainage and flood controls. He asked where the water retention ponds would be located and had concern regarding the types of soils located at this site.

Ms. Janet Gross stated she was concerned about an apartment complex being located near Presidential Park because of safety.

Mr. Russ Davis expressed concern about a lift station crossing Sloan Branch.

Mr. Fisher asked what type of sewage system was being proposed for this development.

Mr. Mark Isaacs stated that he had been in contact with Mr. Keith Reeves, Director of City Utilities about the current lift station that already exists in that area. He stated there would be an option of rebuilding the current lift station in order to access the sewer from this development. Mr. Isaacs stated that City Utilities informed them that the City of Columbus owns this lift station and it has been dedicated to the City.

Discussion was held regarding impact fees that could be assessed to a lot at the time it was purchased. Mr. Bergman stated that Columbus had chosen not to assess impact fees to developers at this time.

Mr. Joe Thompson, developer of Stonegate stated he would like to see more detailed drawings of the proposed development.

Mr. Jason Newton asked if restrictions could be attached to the rezoning.

Mr. Bergman stated that a rezoning request is heard at the Plan Commission meeting and then forwarded to the City Council. He stated at this time there are five criteria that are provided by the Indiana Code. He stated that state law says that Plan Commission members must pay reasonable request to those criteria when considering a rezoning. Mr. Bergman stated that the Comprehensive Plan is taken into consideration, as well as property values throughout the City of Columbus and what is the best use for that property. The Plan Commission then sends a recommendation to the City Council, which repeats the same discussion. The City Council makes the final determination using the same criteria. Mr. Bergman stated that they could place restrictions on the rezoning, but they cannot be limited to an individual and the rezoning would stay with the property.

Mr. Bolte asked where the criteria were generated. Mr. Bergman stated they came from the State law.

Mr. Newton asked why the level of detail for Skaggs rezoning was less than what was required for Stonegate Apartments.

Mr. Bergman stated that these were two different types of applications. He stated that Stonegate was a Planned Unit Development with and a high level of detail presented to the Plan Commission members. He stated with Mr. Skaggs request that level of detail is not required.

Mr. Ken Wilson asked if the City Council has ever turned down anything that the Plan Commission had forwarded with a favorable recommendation. Mr. Fisher stated yes. Mr. Wilson stated it was his opinion that their homes were sold to them with the understanding that would be for senior citizens with a rural setting and now the same person was proposing apartments next to Presidential Parks North.

Ms. DeVore stated that approximately 75% of the time, the City Council agrees with the Plan Commission, but sometimes they do not. Ms. DeVore encouraged members of the public to attend the City Council meetings regardless of the vote at Plan Commission.

Mr. Fred Hales asked if there would be other developments in the same general area. Mr. Fisher stated development was judged on a case-by-case base.

Mr. Fisher closed the meeting to the public.

Mr. Skaggs stated what they were proposing fits with the Master Plan for the City of Columbus. He stated they have provided the Planning Department all the items that have been requested to move forward with this rezoning. Mr. Skaggs stated it would financially impossible to provide the level of detail that would be required for a PUD at this site. He stated it was his opinion that the annexation and rezoning was the best way to proceed with this project. Mr. Skaggs stated these apartments would be up scale apartments and would be an asset to the area.

Ms. Quisenberry expressed concern about the safety of students walking to Richards School and the safety of Sloan Branch. Mr. Bergman stated that this property is not in the walk zone area for Richards School. Mr. Bergman stated that it was almost impossible to develop without retention ponds and some water located nearby.

Mr. Lang asked if it was practical for him to build single-family dwellings at this site. Mr. Skaggs stated that it would be impossible and would not be economically feasible because the size of the property.

Mr. Skaggs stated he would agree to a condition to be attached to the rezoning that would limit the number of units in the development.

Mr. Bergman stated this was a unique piece of property. He stated that this is on the frontier of the City and will be developed in the near future. He explained that the duty of the Plan Commission was to encourage development of all types in the City of Columbus and how determine it interacts. Mr. Bergman stated that at some point, you have to make the transition to other kinds of uses and there will be a need to find opportunities to introduce different types of land uses in this area. Mr. Bergman stated the legal drain and flood plain located on this property would provide a natural buffer to the other properties. He stated that staff would recommend sending a favorable recommendation to the City Council for the annexation and the

rezoning with two conditions attached: (1) No development (including buildings, parking lots, and similar improvements) shall occur in the designated flood plan (currently defined), and (2) At the time development occurs and prior to any occupancy the developer shall improve the west half of Talley Road along the entire frontage of the site to comply with City standards.

Motion: Mr. Lang made a motion approve ANX-08-03 and send a favorable recommendation to the City Council. Mr. Haza seconded the motion and it carried with a vote of 7-1 with Ms. DeVore being the nay vote.

Motion: Mr. Lang made a motion to deny RZ-08-07 and send an unfavorable recommendation to the City Council. Ms. DeVore seconded the motion and it failed with a vote of 4-4 with Mr. Crider, Mr. Haza, Mr. Ruble and Mr. Fisher being the nay votes.

Motion: Mr. Haza made a motion to approve RZ-08-07 to send a favorable recommendation to the City Council with two conditions attached: (1) No development (including buildings, parking lots, and similar improvements) shall occur in the designated flood plan (as currently defined). and (2) At the time development occurs and prior to any occupancy the developer shall improve the west half of Talley Road along the entire frontage of the site to comply with City standards. Mr. Ruble seconded the motion and it failed with a vote of 5-3 with Ms. DeVore, Mr. Lang and Ms. Quisenberry being the nay votes.

Mr. Whitted stated there could be another motion to send it to City Council without a recommendation.

Motion: Mr. Haza made a motion to send RZ-08-07 to the City Council without a recommendation and attach the two conditions that are listed in the staff report. Mr. Whitted stated that conditions could not be attached without a recommendation.

Motion: Mr. Haza made a motion to send RZ-08-07 to the City Council without any recommendation.

Mr. Ruble asked for discussion on the motion. He stated it was his opinion that the Plan Commission would not be doing their job if they sent no recommendation to the City Council. Ms. DeVore stated she had sent her recommendation to the City Council for no approval. She expressed concern about the number of people in the audience that had objected to the request.

Mr. Fisher stated that there are only eight members voting and there are eleven members on the Commission. He stated that one member had recused himself so it would be important for more members to attend the next meeting in July 2008. Mr. Fisher stated there must be six votes for or against the request to send a recommendation to the City Council.

Mr. Bergman stated this was first heard at the April 2008 meeting, then continued at the May 2008 meeting for the Traffic Impact study and it is now being heard again at this meeting.

Mr. Fisher stated it was his opinion that this should not be continued beyond one more meeting.

Mr. Haza stated he would withdraw his motion because the conditions cannot be attached.

Motion: Ms. DeVore made a motion to continue RZ-08-07 to the July 2008 meeting. Mr. Lang seconded the motion and it carried with a vote of 8-0.

Mr. Wetherald left the meeting at this time.

NEW BUSINESS REQUIRING COMMISSION ACTION

ZC-08-65-May: Lincoln Elementary School – a request by Bartholomew Consolidated School Corporation for a modification to the approved site plan to allow traffic circulation changes. The property is located at 750 Fifth Street in the City of Columbus.

Ms. Pannell presented the background information of this request.

Mr. Dave Hayward, Christopher Burke Engineering and Ron Hoskins, Director of Maintenance for the Bartholomew Consolidated School Corporation represented the petitioner.

Mr. Hayward stated this request stems from the conversion of a neighborhood elementary school to a corporation wide Signature Academy. There will be an increase of the 180 students currently in the neighborhood to 250 from the county. Mr. Hayward stated there would be more buses on site and more parents dropping off and picking up children. He stated this was a very confined site and they were trying to use all the room available for circulation. He stated they were proposing to use a portion of the playground area and minimize the impact to the playground equipment located at the site.

Mr. Hayward stated that moving the driveway further south to achieve the one hundred foot separation between driveways is workable but it will have more impact on the play area. Mr. Hayward stated they would ask for a favorable recommendation.

Mr. Ruble stated that with this site it was his opinion that moving the driveway 18 feet further south is a benefit that does not outweigh the negative impact that it would have on the site.

Mr. Fisher opened the meeting to the public.

Mr. David Chloren from St. Peters Lutheran Church expressed concern about the increased traffic in the area.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated that staff would recommend approval of this request with a couple of minor details to be worked out with Mr. Hayward.

Motion: Mr. Crider made a motion to approve this request with the R Symbol in the legend corrected. Ms. Quisenberry seconded the motion and it carried with a vote of 7-0.

ZC-08-66-May: Schmitt Elementary School – a request by Bartholomew Consolidated School Corporation for a modification to the approved site plan to allow traffic circulation changes. The property is located at 2675 California Street in the City of Columbus.

Ms. Pannell presented the background information on this request.

Mr. Dave Hayward, Christopher Burke Engineering and Ron Hoskins, Director of Maintenance for the Bartholomew Consolidated School Corporation represented the petitioner.

Mr. Hayward stated that this modification is to change the circulation pattern on site by, primarily, adding a one-way pick-up lane on the south side of the property and an additional vehicle and bus lane along 27th Street. Mr. Hayward stated they would be directing some of the traffic to Home Avenue north of the school. He stated this would alleviate some of the traffic on California and 25th Street. Mr. Hayward stated that they would be installing a gate at the California Street access to the parent pick-up/drop-off area to eliminate a line of cars along California Street.

Mr. Hayward stated a landscape plan was approved last year and was 5% over the total points that were required by that Ordinance. He stated they were now 10% under with points according to the new Ordinance. Mr. Hayward stated they do need a block of green space to the south and are running out of places for landscaping. He stated they would do what the Board requested, but do have concerns about adding more landscaping.

Mr. Hayward stated that the schools let out at staggered times so the traffic would not become as congested between the schools as it would if they were all on the same schedule.

Mr. Fisher opened the meeting to the public.

Mr. Fisher read a letter from Morris L. Sowders expressing approval for the traffic circulation change at Schmitt School. He also expressed concerns about the safety factors that are not being observed at this time.

Mr. Fisher closed the meeting to the public.

Mr. Ruble stated they had identified a concern regarding the trees that are shown on the north side of the student pick-up area along California Street. He stated he was concerned about their impact on the visibility of a driver point out of that area onto California, being able to see thru traffic. Mr. Ruble stated there is the possibility two or three of those trees could be impacted in order to accommodate the visibility.

Mr. Bergman stated the trees are in the right of way and do not count toward their points. The Commission members agreed they should be removed.

Mr. Bergman stated all of the correct information has been provided to staff and he would recommend approval and will work with Mr. Hayward to address a couple of issues that will need to be turned into the office to be approved by staff.

Motion: Mr. Ruble made a motion to approve this request with the following conditions: (1) All necessary information, regarding directional signage, parking, etc. must be provided to the Planning Department, and (2) The eight trees, shown in the parent pick-up/drop-off area, must be removed from the landscape plan. Ms. Quisenberry seconded the motion and it carried with a vote of 7-0.

Ms. Quisenberry left the meeting at this time.

AD-08-13: Weber Administrative Subdivision – a request by Jayne M. Hege for a modification from Subdivision Control Ordinance Section 16.08.010 to allow an agriculture tract of 15.5 acres, which is less than the required 20 acres. The subdivision will result in a property of 415.11 acres being re-subdivided into nine parcels. The property is located at 10622 25th Street in Clay

Township.

Ms. Stark presented the staff information on this request.

Mr. Ruble asked if this number of lots were allowed under the Subdivision Control Ordinance. Ms. Stark stated yes.

Mr. Scott Crowder with Crowder & Darnall represented the petitioner.

Mr. Crowder stated that Lot 8 is presently a five-acre tract with Jayne Hege's house located there. He stated what they are proposing is changing the lot size from five acres to 12 acres. Mr. Crowder stated that all the other parcels are over 20 acre tracts of land and meet the Subdivision Control Ordinance. Mr. Crowder stated that this property was in a trust and they were dissolving the trust.

Mr. Fisher opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Fisher closed the meeting to the public.

Mr. Bergman stated that staff would recommend approval.

Motion: Ms. DeVore made a motion to approve this request. Mr. Haza seconded the motion and it carried with a vote of 6-0.

DISCUSSION ITEMS

Plan Commission meeting dates/times and meeting duration.

Mr. Bergman stated that after several long meetings early this year there was some discussion as to whether or not it made sense to look at some options, such as adding an additional meeting per month.

Ms. DeVore stated that after a five-hour meeting and then another meeting that lasted four hours it was her opinion that the power to concentrate was about three hours and after that she wasn't sure she could make wise decisions. She stated that it was not fair to the members or the public. Ms. DeVore asked if it would be possible to have two meetings a month or even divide the meeting into two consecutive nights.

Mr. Bergman stated we are not in a position to have a complete second meeting. Mr. Bergman stated there would be a very narrow window of time to operate in because of the expectation of the petitioners that file. Mr. Bergman stated if there are items that are moved to the second meeting they would not be heard at the next City Council meeting.

Much discussion was held on setting the agenda and the length of the meetings. It was decided to leave the meeting times as scheduled.

School Corporation filing fees.

Mr. Bergman stated there was a request by the School Corporation to waive all filing fees by the Plan Commission, especially with the minor modifications that they file.

Motion: Ms. DeVore made a motion to deny waiving the fees for the School Corporation. Mr. Haza seconded the motion and it carried with a vote of 6-0.

DIRECTOR'S REPORT

LIASION REPORT

ADJOURNMENT: 7:30 P.M.

David L. Fisher, President

Steven T. Ruble, Secretary